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**A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS MARINELLI, GRANT, HOGUES & McCRACKEN**

RE: Calling on Governor Andrew M. Cuomo and the State Legislature to Amend Chapter 1 of the Laws of 2013, the NY SAFE Act, to Address Issues Related to County Costs and Implementation of Provisions Related to Mental Health, Record Keeping, and Public Safety

WHEREAS, Chapter 1 of the Laws of 2013 is known as the New York Secure Ammunition and Firearms Enforcement (NY SAFE) Act; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in the United States, and the rights protected by the Second Amendment to the United State Constitution are exercised by many of our residents; and

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, the expedited process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation; and

WHEREAS, this legislation has 60 sections, of which only three take effect immediately; and

WHEREAS, this new law requires the local director of community services (county Commissioner of Mental Health) or his or her designee to receive reports from all mental health professionals who believe that their patient is likely to engage in conduct that would result in serious harm to self or others; and

WHEREAS, such local director of community services or designee must investigate each report to confirm the identity and professional status of such mental health practitioner, and to determine whether they agree with the practitioner's assessment; and

WHEREAS, upon such agreement with a reporting mental health practitioner, the DCS or designee shall be required to file a report with the Division of Criminal Justice Services; and

WHEREAS, NYS Department of Health SPARCS hospitalization data indicate that over 210,000 psychiatric unit discharges occurred in the 2010 calendar year, which may now be reported to Directors of Community Services under the Mental Hygiene Law 9.46 standard; and

WHEREAS, the reporting of all or even a portion of such psychiatric admissions to DCSs annually would require county governments to increase staff and would significantly increase local costs, not including the numerous other cases that will be reported by mental health practitioners in non-hospital settings; and

WHEREAS, the requirement that county Directors of Community Services and their designees receive, investigate, and file reports pursuant to the new Mental Hygiene Law 9.46 would create an unfunded mandate and new costs for counties who do not have the infrastructure or funds to implement; and

WHEREAS, this provision of the bill will be effective on March 16, 2013; and

WHEREAS, according to the New York State Association of County Clerks, NY SAFE also creates new requirements regarding pistol permit recertification which has been assigned to the State Police but will involve increased processing requirements for County Clerks offices where local applications are currently processed; and

WHEREAS, according to the New York State Sheriffs Association, NY SAFE will also increase requirements for Sheriffs who process and investigate permit applications; and

WHEREAS, NY SAFE expressly states that no costs of this law shall be borne by local governments, however many county departments will experience increased workload due to the new requirements this law creates.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body strongly encourage members of the New York State Legislature to hold public hearings to address the impact of this new law and the issue of gun violence in a way that will produce meaningful results; and be it further

RESOLVED, that the Erie County Legislature call on the Legislature and Governor Andrew M. Cuomo to work with counties to amend Chapter 1 of the Laws of 2013 in order to address the reporting process under the new Section 9.46 of Mental Hygiene Law and the permit recertification process under newly amended section 10B of the Penal Law; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo, the Western New York Delegation of the State Legislature and all others deemed necessary and proper.

FISCAL IMPACT: None for resolution.